

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FREDERICK T. RAY, III, :  
: Petitioner, : CIVIL ACTION  
: v. : NO. 10-2772  
: LOUIS FOLINO, et al., :  
: Respondents. :  
:

**ORDER**

AND NOW, this 1st day of July 2011, upon consideration of the Petition for a Writ of Habeas Corpus (Doc. No. 1), Respondent's Answer to the Petition (Doc. No. 4), Petitioner's Reply (Doc. No. 17), the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport (Doc. No. 12), Petitioner's Objections to the Magistrate's Report and Recommendation (Doc. No. 19), after an independent review of the pertinent record, and for reasons stated in the Opinion of the Court filed this day, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Rapoport (Doc. No. 12) is APPROVED AND ADOPTED with modification.
2. The Petition is DENIED with prejudice and DISMISSED without an evidentiary hearing.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.